kind of a thing that sticks in people's craw, having to pay taxes both to the county and to the municipality, even though we do receive some rebate from the state and from the county--we get a share of the racetrack money, we get a share of support services toward the police department, and the like.

The majority of our health services come from the county.

There is quite a cooperative effort in most if not all the services, that when we call upon the county they will provide, and I will say in terms of my relationship with them I have not had them give us a no when we wanted something: extra police services, extra patrol--and we provide also services to them; our policemen will respond in a joint effort, a cooperative effort, if there is a problem that occurs nearby and we have to be called upon, we will provide that.

But we are now going through the Maryland Municipal League and state legislature to provide for elimination of the double taxation. So whatever services that we provide that are pure and clear, we would--we not only not be rebated back by the state and the county, they would not collect those taxes. So we could fill the vacuum and collect

those taxes ourselves. We do receive a part of the state income tax funds, but that provides a problem for us because the citizens have to put on the state form that they are residents of a given municipality for that municipality to receive those funds. And if they either neglect or otherwise do not do it, we lose those funds.

We have entered into an agreement--it's a loose agreement, verbal agreement--with the county; we will provide the streets for their computer system, and if they get a match between zip code and streets, persons on their tax list, then they would automatically give us those funds. We have not done that yet; we are hoping that it will work without us having to jump up and down and yell and scream.

MS. NAHIKIAN: Glenarden is largely residential?

MR. JACKSON: Glenarden is largely residential; it's a bedroom community. We are pressing now to improve or move further on our commercial development. We have a lot of fallow land, and there is a kind of philosophical argument between different citizens on whether we should do this or not. Some citizens would like to see it remain as a bedroom community. We have had some heated arguments about whether we should even have townhouses, because very few townhouses--none in Glenarden now, some will be coming

up soon. In fact, last night at our council meeting, the council approved the first inducement resolution for an $8-million commercial-industrial revenue bond for the building of an office building for a computer firm that wishes to move into the town.

But there is also a need and recognition of the need to expand the tax base. We have not raised our taxes, I don't believe, since 19--I have been on and off the council since 1965, and we have never raised our taxes. But the services are pushing.

We have tried to find innovative techniques to not raise taxes; we are moving to track something that the District is doing, we have twice-a-week garbage pick-up service, for example, under contract--we hope to bring that in-house, we could save some money on that; and also one-week pick-up with the big cans, the big huge 8-gallon whatever size they are. Citizens are never short of ideas, particularly at the town meetings. That is one of the interesting things about municipal government, particularly a small community, is that the people are not bashful about voicing their opinions. We have our formal sessions, passing resolutions and discussing them, and ordinances; and the last half of the meeting is generally our citizen

participation--it gets rather raucous sometimes. But fun.

MS. NAHIKIAN: Other questions? Delegate Moore?

MR. MOORE: Yes, I had a few questions about--you said something about double taxes--and this is kind of related. I am concerned about maybe certain areas in Glenarden, say, for instance, when you have a tremendous snow. Does this area have the power, as you were saying, to get together as a cooperative or community unit and, say, buy a tractor and take care of their own snow removal and things of that nature?

MR. JACKSON: Are you talking about inside Glenarden itself, or are you talking about ---

MR. MOORE: I'm just giving an example. Do you have those type of set-ups within your government?

MR. JACKSON: We handle our own snow removal. We take pride in the fact that we were one of the few in the area that had our streets cleared in the last snow, even before the District. We are quite often called upon by outside communities, the little developments right around Glenarden, to give them support services when we have those kind of situations, but when we find ourselves overburdened we lease and otherwise hire people with tractors or the like to help us out. We have an emergency fund that we set

up for snow purposes, of course, and like most jurisdictions strained that by this last winter.

MR. MOORE: My last question. Do you have anybody within your level of government sit on a higher level of government within the state, the next higher layer of government? I don't know whether it's the county or whether it's a municipality or what is higher than your level of government.

MS. NAHIKIAN: The county.

MR. MOORE: The county. Do you have anybody that sits on the county government?

MR. JACKSON: From Glenarden?

MR. MOORE: Yes.

MR. JACKSON: We have one of the residents--Councilman Floyd Wilson, who is a councilman at the county level; we have Senator Broadwater who is from Glenarden, who is of course state senator; and we have Delegate Sylvania Woods who is a Glenarden resident who is also a delegate to the ---

MR. MOORE: And they all sit on the council together?

MS. NAHIKIAN: No.

MR. JACKSON: No.

MR. MOORE: That's what I was getting at. That was my question.

MS. NAHIKIAN: Delegate Street?

MS. STREET: Mayor Jackson, you also have your own library, don't you? You have a new library.

MR. JACKSON: We have a new library.

MS. STREET: Who runs the library?

MR. JACKSON: That's county-run. We have not only a new library, we have a new pool-recreation center, and we did some double-money shifting. We received some money from HUD through open space and block grants back in '65; we were one of the first in the state to go into the model cities program to receive funds. Our departed Mayor Cousins. We used some of that money to buy a lot of land. Then we went to the county and said, look, we got this land here, we will turn it over to you if you build us a new swimming pool; and, of course, they were glad, the WSSC and [inaudible].

The same--we did the same thing with the library. We offered the land after we purchased it to the county, if they would build it. And that's a very good, in both cases, a very good cooperative agreement that we have with them in both situations.

Under my administration, I am moving more for

commercial development, to expand the tax base, and also annexation of other areas.

MS. STREET: And I would like to ask you, you have another development in Fox Ridge.

MR. JACKSON: Yes.

MS. STREET: They are not a part of Glenarden?

MR. JACKSON: It is a part of Glenarden. The citizens brought a suit in 1967, I believe. There was a--the developer, when he was building Fox Ridge, entered into agreement to annex it into the town, and many of the people who were buying property were not told by the sales people that they were buying into Glenarden, so some of them had some natural objections to it; they tried to find a flaw in the annexation process, and they failed in court. So Fox Ridge is definitely a part. In fact, one of our mayors, previous mayors, is from Fox Ridge; we also have three wards that were implemented in our last election, prior to our last election--Fox Ridge, and what was old Glenarden, a part of it, is now Ward 3. And I hasten to add that what we call old Glenarden is now new Glenarden, since our urban renewal development.

MS. STREET: And you have a new townhall.

MR. JACKSON: We have a new townhall; in fact, we

just expanded on the townhall just recently.

MS. STREET: Was that county money or was that local money?

MR. JACKSON: Taxpayers' money, and partly--part of the townhall is a senior citizens facility which was funded partly under the HUD, some of the HUD program money.

MS. NAHIKIAN: Delegate Eichhorn?

MS. EICHHORN: I think you may have shown us more clearly than any of our other witnesses today the advantages of local government in describing your system. It's very impressive.

MR. JACKSON: Thank you.

MS. EICHHORN: I wanted to ask you if you think it's possible, because, well, I do, and I think it's not realistic for us to think of granting taxing power to local units of government--but I don't know why we can't have local units of government with operational responsibility and have all the tax collected statewide and distributed on an equitable basis to those units. That happens in your municipality to some extent, and you have some additional taxing authority.

Would you see your ability to function if all your money came from the state?

MR. JACKSON: Well, see, government is more than just funds coming from the state.

MS. EICHHORN: Well, you decide how you spend it.

MR. JACKSON: Right. I would like to have some say-so whether I even touch it as to how it would be raised also, because that gives you the added insight and responsibility on how you are going to spend it. If you get the idea that it's coming from down on high--and also allows you an opportunity to hide; you know, you can say they raised the taxes, not us, we are just spending it. You know, when you have this kind of cloakroom relationships--you guys raise the taxes, you know, and we can go out front and say we didn't raise it.

But I think it should be collateral.

We are fighting that with the state to some degree, you know. You have it from the state, the county, down to the municipal level, and it's much like parents; once a state or municipality or whatever the entity gets a certain amount of power, they don't want to let it go, like Congress.

MS. EICHHORN: It puts neighborhoods with poor residents at a disadvantage. It seems to me that the neighborhoods that may have the greater need ---

MR. JACKSON: That is a function of distribution

and mechanisms that could be triggered to offset that, whatever they might be.

MS. EICHHORN: I see. You are saying if you have some local taxes collected, the state could also make larger block grants, whatever they are called, to certain areas to balance that out.

MR. JACKSON: Exactly.

MS. NAHIKIAN: Delegate Jordan?

MR. JORDAN: I just wanted to ask one question. You told us about some of the services that you are providing. I only heard you refer to one that you are not providing, which was health.

So maybe you could give us a list of those you do not provide, like are you providing water and sewage?

MR. JACKSON: No.

MR. JORDAN: Do you have your own judicial system?

MR. JACKSON: No.

MR. JORDAN: Fire?

MR. JACKSON: No. Those are all county functions. And sometimes it's an advantage not to have too much when you don't have the resources to provide the services, too. You know, given the size of Glenarden, I would not want the school problem. We have input, we have tremendous input in

all the services we do not provide at the county level. And this is some of the things that people outside the community have wrestled with in annexing; you know, they say, well, why should I pay $1200 or $2000, whatever it is, more a year; what am I getting? We have done some things over the last fifteen years since I have been involved that shows that you do get something. We have our cable TV; they are stringing, the county's going to be two years before they--this is where being too big can be encumbering, cumbersome; everybody is chafing at the bit to sign up for the cable TV. I think that if we wereproviding either water, school, or some of the things you mention, it would overwhelm us. But it allows us by being a municipality to go directly to the state and/or county, cut through a lot of red tape, WSSC, and indicate whatever our needs are. And I can say there are very few times that they have not been adhered to.

There is a place for bringing those kind of services in when you are of a certain size--and I don't know what that is yet, 20,000, 50,000, whatever. You have got to have the internal resources to handle it.

MR. JORDAN: Is Hechinger's and Landover Mall in Glenarden?

MR. JACKSON: Hechinger's and Landover Mall are

not in Glenarden. We are negotiating with Hechinger's now for annexation into the town.

And one of our leverages in dealing with them is in the industrial revenue bond. I have been four years fighting to try to get this bond thing understood so we can move with it. And being a small community, people don't--you know, we have never tried it, this is a new thing. What we told Hechinger's is that if you annex, you have some input into whatever is developed in the town, because you are now a part of us. If you do not annex, then we will give an industrial revenue bond to an 84 Lumber or some other competitor; it's hard business.

MS. NAHIKIAN: Mayor Jackson, is your position as mayor of Glenarden full time?

MR. JACKSON: Part time. Ours is a part-time legislative and mayor; we have a town manager. Mayor Cousins, who was mayor for 28 years, operated with a treasurer, himself, on a part-time basis, and two policemen, and that gradually expanded; in fact, this is one of the battles we had with him back in 1969 is bringing in a town manager, because we were into a lot of grant money and a lot of things that were really beginning to overwhelm us, and he wasn't too much for the idea; he was the kind of guy who

was kind of--he was the Mayor Daley of Glenarden, if you please. But we finally convinced him.

And the town manager is the administrative head of the town, responsible to me. Of course, we are collectively responsible to the council as any other government.

MS. NAHIKIAN: You are appointed by the council or you are elected?

MR. JACKSON: No, I am elected.

MS. NAHIKIAN: And it works part time?

MR. JACKSON: It works part time--in theory, it works part time; we are in full time--we work full time.

MS. NAHIKIAN: You get paid part time and work full time.

MR. JACKSON: Right.

MS. NAHIKIAN: That's very, very helpful. Are there other questions?

MS. STREET: I'm very familiar with Glenarden; as a matter of fact, I'm a taxpayer of Glenarden, I have a piece of vacant land out there.

But I wanted to say I have never known of a community to make the progress that Glenarden has made in what I would consider a couple of decades. It was once considered an ugly duckling and now it's a beautiful swan; the roads

have been well done--I wanted to ask who paid for the roads, the county, state?

MR. JACKSON: That's taxpayer.

MS. STREET: Taxpayer. Roads, sidewalks, property has been cleared and the community has beautiful new detached homes; it's truly an asset to Prince George's County.

MS. NAHIKIAN: The interesting concept of what Mayor Jackson started out saying, which is something that I think is important for us to think about, is that the town of Glenarden was a community, it's a black community that was not getting services, and so the people in that community decided to take self-determination for themselves in their own hands and move with that. And I think that is an important kind of concept for us to struggle with.

MR. JACKSON: That's what the country was founded on.

MS. NAHIKIAN: Thank you very much for your testimony. You have probably opened our eyes a lot. Thank you.

MR. JACKSON: Thank you, it was a real pleasure.

MS. NAHIKIAN: We appreciate your time--on a part-time basis.

Our next witness is Mr. Ed Kelliher, who is with the Institute for Governmental Services at the University

of Maryland. And I think Mr. Kelliher probably provides some services for Glenarden, if I am not correct.

MR. KELLIHER: As a matter of fact, we have worked with Mayor Jackson before.

STATEMENT OF ED KELLIHER, INSTITUTE FOR GOVERNMENTAL SERVICES, UNIVERSITY OF MARYLAND

MR. KELLIHER: As the sheet says, I am with the University of Maryland. I have, if any of you are interested, little brochures which explain what our office does.

Our role at the University essentially is on the one hand applied research dealing with the nuts-and-bolts problems of local government, and sometimes state government, but usually as it relates to local government, and acting as consultants to these same governments, again on matters of government organization, legislation, the hardware of government.

We have been over the years consultants to every single Maryland county, except for Montgomery County, because we didn't exist then--whatever adopted home rule in the state. And that is basically our job, working with these communities.

And we view our job as one not of knowing what the

best solution is, but in providing people like yourselves with the information that you need to make your decisions. How do they do it in Maryland, how do they do it in Indiana, how have they solved the same problem in Wyoming? And this is the kind of information that we try to provide.

Now, when I spoke with Ms. Greenan about what kind of testimony you would be expecting, she was very helpful in providing this draft; and, on the other hand, she said you wanted some information about how this system works in Maryland--and that's not always a very straightforward thing. Certainly, the state is the sovereign; the state creates the counties; it incidentally does not create municipalities, it simply ratifies their existence. The home rule principle in Maryland offers certain prerogatives, certain kinds of autonomy, but basically the state, at the bottom line, calls the shots, not municipality by municipality or county by county, but by dealing with the counties broadly or generally or dealing with the municipalities.

Now, the counties essentially are equal vis-a-vis each other. Again, the home rule counties probably have broader powers, the charter counties particularly, but when the counties deal with each other they deal with each other as peers, and the municipalities deal with each other as

peers.

Now, you might ask what is the relationship between a municipality and the county in which it is located? Well, that's not a black-and-white answer. Technically, a municipality--or, in the strict legal sense, a municipality is a political island within the county; the county cannot pass laws which are binding in that municipality. But not all the counties see it that way, and as you go around the state of Maryland you will find a difference of opinion as you move from county to county. It usually is the same within a county--for example, Carroll County, everybody agrees that the municipality is an island; but you move over to Washington County, and they say, no, we have to follow county laws--it's a hierarchy. So Maryland is a little bit mixed up.

The same way with services. Medical services are a complete mish-mash in the state of Maryland. I am your local health officer, I'm the guy who provides you with medical services, but you can't hire me, you can't fire me, you can't raise my pay, you can't demote me or promote me. So it isn't always a clearcut situation.

Two of the counties in Maryland have no municipalities whatsoever; they have places--like Silver Spring is a place; Silver Spring is not a municipality.

Now, my comments here tonight--and I am going to address the three articles that you sent me--I have to preface, I suppose, by saying, number one, I don't claim to know the government as it exists now of the District, nor have I seen the rest of the constitution, so there may be points I raise which are adequately covered somewhere else, okay?

And I am making the comments in the context of my experience in the state of Maryland, as I have seen it, working with municipalities, counties, and the state.

A few general comments, a couple of them probably will not make any friends for me, like the one where people get passionate about a certain idea--and we have found over and over and over again that some of these innovations in government are never as good as their proponents claim, nor as bad as their opponents insist it's going to be. However, no matter what system you devise--and you can probably do it a number of different ways--it is far less important than how hard you work to try to make it operate smoothly after the state government goes into effect.

I once was on a panel in Howard County where they were debating the issue of voting for their county council at large or by districts, and there was red passion in the

county concerning those two things. And I made that statement and--I know it may be better one way or the other, but it's far more important how hard you work at this thing after you make that decision. Interestingly, the next day in the paper the press didn't even mention that I was there. It's the kind of thing that nobody likes to hear, but you should be aware of that. These things are never going to be as jazzy as you think they are when you construct.

Some of the things that we have found in working with counties, negatives, tend to accumulate. If you turn people off, they add; if you turn off the firemen, that adds to turning off sanitation workers if they are also turned off by it. This is not true in the case of positives: if you gain the support of one group, that does not mean that you have added that support to the other. I don't know why this works, but it seems to. As a matter of fact, Maryland's 1967 constitution was defeated by basically the employees of the state. By "employees" I mean it includes sheriffs, constables, and so forth.

The simplest part of it is finding the language. I know that, listening to some of the earlier testimony here, that may not seem right, but the toughest part of it is making the decisions that you will have to make in

deciding what you are going to put in here.

So concerning my specific comments, on the actual sections and articles here--the ones on intergovernmental relations and transition, I don't have any specific comments. I wish that the agreements with the federal government could somehow be more meaningful than to say we will negotiate or consult, or something. I don't know what the answer to that is; I think that would have to come through an examination of the agreement that the federal government has with the many states in the Union, and how that gets solved in other places. There are no teeth in those provisions, but I really have no suggestions as to any change in language.

My main concern in the article on local government is in some cases its imprecision in defining powers, and that eventually leads to squabbles and confusions. If I understand the section on financing correctly, I am concerned with that one, and I will explain why when we come to it, and, unless there are restrictions on hiring employees, you could spawn the largest,potentially the largest bureaucracy known to man--if there are not restrictions on hiring.

And let me get down to those individually.

Okay, on Section 1--now, I am dealing with the article on local government, and some of these are very,

very pedestrian comments. And this may be one of them. You have neighborhood districts and you have neighborhood council districts, and these are not the same thing, and it could confuse people; if you had different names, it would be simpler, that's all.

For example, the boundaries of the legislative district are coterminous with the boundaries of the neighborhood district; you might choose to call them simply--leave them legislative districts. That's strictly a matter of style. But it will confuse people.

If I did my arithmetic correct, each neighborhood council district is going to have around 5,000 or 6,000 people in it--does that sound right?

MS. NAHIKIAN: Yes.

MR. KELLIHER: And to get that--well, no, I'm sorry, that won't be too bad--no, it is true: you want the largest within five percent of the smallest, and this will end up in your dividing a building in some cases, the first or the fourth floor will be in the third district. That's a rather small percentage.

With some of these large buildings, you have got several thousand people living.

MS. NAHIKIAN: Not many buildings in the District

have several thousand; it just looks that way.

MR. KELLIHER: Okay.

MS. NAHIKIAN: I think the largest building we have is a complex that has about 600-and-something units. We are not quite like New York City where we would have that problem.

MR. KELLIHER: Now, the financing, if I read this right, it's based on the property tax, is that correct?

MS. NAHIKIAN: Yes.

MR. KELLIHER: And my concern there, I suppose, is philosophical. If the budgets for the various districts are based on 1 cent or something in proportion to that figure, you are going to have an enormous disparity in the budgets that your various districts will have to provide rather similar services.

MR. SCHRAG: Look at the population ratio built in here.

MR. KELLIHER: Well, then, you need help with the language.

MR. SCHRAG: The language is exactly the same language that is in our present home rule charter which Congress gave to us, and we adopted this in part because it is familiar to the Congress, which would have to admit us

as a state. The formula in here is not a revenue formula. Although the money is earmarked from the property tax, the method of allocation is in proportion to the population; the rate is in accordance with the population of the district as compared to the population of the state, so that ---

MR. KELLIHER: Well, if all districts are within five percent of the same size, then all budgets will be within five percent of each other.

MR. SCHRAG: That is what it is supposed to be.

MR. KELLIHER: Okay, as long as people operate to carry that out, that's fine. I was concerned with it being based on the property tax, and that would have produced some large disparities.

I was concerned in Section 5 with ceilings. It says that the neighborhood council shall employ staff. Who decides how many? Do they?

MS. NAHIKIAN: They do.

MS. EICHHORN: The budget basically.

MS. NAHIKIAN: It's really the budget.

MR. KELLIHER: Are these employees intended to be part of the merit system of the city? That is imprecise in here. And who has the authority to hire and fire them?

MS. NAHIKIAN: Well, we know who has the authority

to hire and fire, but the point you have made a very good point about is whether or not they should come in as a part of the personnel system, and that is an excellent point.

MR. KELLIHER: There will be pressure by those people to come in under the city's civil service, I'm sure.

Is it your intention--and this is a question rather than a comment--that, let us say, neighborhood B, if they want additional services and equipment, and they are willing and able to pay for them, may they do so?

MR. SCHRAG: No.

MR. KELLIHER: No? Okay.

MS. NAHIKIAN: It's a big debate.

MR. KELLIHER: That's not clearly spelled out in here. What you seem to be implying to me is that each one of these districts basically is going to have the same number of dollars to work with, basically.

MS. NAHIKIAN: Basically, that's correct.

MR. KELLIHER: Okay. That is not absolutely clear, in my opinion.

MS. NAHIKIAN: Well, just as a point of background --maybe it would be helpful for you--the Committee, delegates to the Committee, spent a great deal of time debating whether or not our neighborhood councils or ward councils should have

the authority to raise funds on its own, separate and apart from the formula that we recommend in the constitution. And there was a diversity of feelings, but one feeling was that because of the disparity of income and access to capital within the District--that, for instance, the county or the ward council west of Rock Creek Park would probably do a very good job of providing extra services, which in fact happens now to some extent with their community schools, etcetera, etcetera, than would other neighborhoods. There was a lot of debate on that particular issue.

What you are saying is the way we have written it here, it's not really clear whether they can or they cannot.

MR. KELLIHER: I don't think it's clear, yes.

MS. NAHIKIAN: That probably reflects the compromise that we tried to come to about allowing the legislature to come up with other methods of funding.

MR. KELLIHER: This in a sense equalization, that is, similar budgets for all neighborhoods, I sense that you want that positively to be built in, and I would find--I would try to find language which is clear at the first reading to everybody; I think this is a little ambiguous. Also on these restrictions. There is a little--I presume that what will happen is--you know, the philosophy of neighborhood

what do you call them, neighborhood advisory councils in the District currently?--which have been formalized by law, but little neighborhood groups which essentially have acted as their own ombudsman traditionally in their own system, and where it has been a vigorous, healthy organization, it has been an enormously positive influence on all forms of government--city government, county government, state government. And in many cases those are always going to spring up, but they will always spring up outside the bureaucracy, outside the establishment, if you will, and you are probably going to have those springing up in your neighborhoods anyway, because your people here are going to be part of the establishment, because you have locked them in by law here. The neighborhoods are no longer informal collections of interested citizens; they are now a bunch of bureaucrats essentially, or elected officials and so forth.

So you will find--there are arguments on both sides of it, okay? I am not talking about the disadvantages of decentralization at all; I am talking about something which I think sprang up in Washington as a matter of passion, if you will, and now we are going to institutionalize the passion, and what will happen is I think you will have it happening all over again, but they will be resisting the

existing things here. That's just I think the way it usually evolves, at least the way we see it in Maryland.

I am concerned in Section 6 with the word "oversee," in 6.C. I don't know what that word means. Does that mean they have live-and-death control over the budgets?

MS. EICHHORN: They are purely advisory.

MR. KELLIHER: Okay.

MS. EICHHORN: It means they get to look at.

MR. KELLIHER: Okay. Well, now, "oversee" as a Congressional term has a very definite meaning, a very different meaning. Congressional oversight by tradition has a lot of--however, Congress has the power to cut off the budget; these ward councils do not. If they are not satisfied with a given service, they cannot cut it off. Do I understand you right? They cannot institute new programs, they cannot disestablish old programs.

MR. SCHRAG: They can negotiate on this. If you look at item B on page 2.

MR. KELLIHER: Oh, yes. I am also concerned with Section 6.D, where it says "delegate to particular members the responsibility for oversight, as described above."

Well, there, again, the oversight is more poetic than muscular, I presume; that is to say, until they can

walk in with the power of decision and say you are fired or your money is cut off, or either shape up or ship out, then it's essentially a matter of persuasion.

MS. MAGUIRE: But the persuasion has a lot more weight, because the people that are going to be monitoring or overseeing the services are coming from a ward council which has four state legislators serving on it.

MR. KELLIHER: Yes; well, I think I understand what you are saying.

MS. NAHIKIAN: But the bottom line that you are pointing out is that, well, you used the word "poetic" versus "muscular," that's a good analogy probably--that if it came down to the real nitty-gritty, the state in fact would retain the power, and could continue to fund a program even though the ward council was saying we don't want this program, it doesn't work, it's a waste of money, you know, it's terrifying our children, whatever. The state still has the bottom-line control there.

MR. KELLIHER: You are not building extraordinary majorities into any other parts of your--or a requirement for them, is that right?

MS. MAGUIRE: Not yet.

MR. KELLIHER: Well, the reason I mention that,

for example, in Prince George's and Montgomery Counties, the municipalities have lost control over the planning function, and as a matter of fact it is the Maryland National Capitol Park and Planning Commission that has the muscle. On the other hand, they have built in such safeguards as this: if a municipality says no, we don't want that liquor license granted, or no, we don't want that zoning exception approved, then the district council requires an extraordinary majority to override that, okay? That's a very conventional, very orthodox tool. And it also requires that they get the approval of that local government, whatever it may be.

Now, that gives them a form of muscle. It certainly gives them more than just sweet talk to work with.

MS. MAGUIRE: Where is this?

MR. KELLIHER: This happens in Prince George's County, where they have taken planning authority away from municipalities, but the local ground rules are that if the town objects, then they have got to go back for a new vote.

MR. SCHRAG: May I ask you about the word "oversee," which you brought up just a moment ago?

My fellow delegate, Maguire, has mentioned the word "monitor" just now. Do you think this would be a better, more precise, less vague, less ambiguous word to substitute

for "oversee"?

MR. KELLIHER: I don't think either word gives them any particular muscle, I really don't.

MR. SCHRAG: I understand that neither word gives them particular muscle, but I wonder whether "oversee"--whether you have raised a second problem with the word "oversee," which is that it is ambiguous; it has one meaning in the Congressional sense and another meaning in the household sense and so on, and I wonder whether the word "monitor," while not being more muscular, might at least be less ambiguous.

MR. KELLIHER: Probably. It would certainly leave a stronger impression of essentially the lack of muscularity.

MS. EICHHORN: "Look into," perhaps that is a clearer way of putting it.

MR. KELLIHER: Because I took that word "oversee" in the Biblical or federal sense, and I thought it had much more--for example, if they can oversee, or they can monitor, and you are the director of the recreation program in that ward, can they demand--do they have the power of subpoena to call you before their ward council to explain what has been going on? If they don't, they don't have very much power at all. The power to subpoena witnesses is a very substantial

one. It can be very substantial.

On the other hand, if the state is in fact running those programs, it doesn't--you know, it's not terribly helpful to give the power of interruption, if you will, to the local governments.

Generally, the easiest way is to decide which services are going to be operated by whom. Mayor Jackson--they have their own police force. And, as a matter of fact, the law says the county police cannot come into his town without their approval, unless they are asked--that's state law.

MS. STREET: May I ask, Mr. Kelliher, are you suggesting, then, if we use the word "oversight," mean it in the traditional sense?

MR. KELLIHER: It would cause less confusion. I think the word "monitor" would probably create less confusion than the word "oversee," yes.

MS. NAHIKIAN: Well, "control" might be the appropriate word.

MR. KELLIHER: And the business of delegating to members, what did you have in mind when you put that in? This is 6.D.

MS. NAHIKIAN: What we had in mind was that right now, with all these Advisory Neighborhood Commissions and

commissioners--Delegate Moore, who is a commissioner, gets--one of his constituents says I have an erosion problem, and he as an individual has to go try to fight the bureaucracy to see whether or not anyone will respond to the erosion problem, whereas, in the structure we are recommending, each ward would have one member that would be responsible for whatever agency handles erosion problems, so that Delegate Moore, instead of trying to wrestle with it himself, could go to that person and in turn that agency has one person to deal with on a local level.

MR. KELLIHER: That's what I kind of inferred; it's kind of what we call traditionally the commissioner form, that is, as opposed to city manager form where you never go as individuals to check things out, you go through the city manager. And a commissioner form, this person is in charge of public safety, this person is in charge of public works, and so on, and you don't have a city manager.

MS. NAHIKIAN: Well, of course, the difficulty we struggled with here is, as one of the witnesses earlier said, dealing with a state structure within an urban environment, and trying to come up with a structure that works well to produce services in an urban environment and to produce the kind of one-to-one--in other words, we wanted to give

neighborhood or local level direct access, and also build in some accountability there in a direct kind of way, which we may not have done very effectively yet, I am beginning to worry about my draft here.

MR. KELLIHER: It's innovative, I can't argue with that.

MS. NAHIKIAN: That's what our Congressman told us this morning.

MR. KELLIHER: The question is whether or not it is going to produce what you think it is going to produce, because I have never seen this kind of structure before. I have seen it informally; for example, I grew up in the city of Chicago, and the ward committeeman is the only person you went to, the only person you had to go to, in the city of Chicago, if he was the Democratic ward committeeman anyway. He got it done, because he understood how the bureaucracy worked, and so forth; you didn't have to call up city hall. And if he knew that you were a Democratic voter, you got your package on Christmas and you got your streets cleaned and so forth.

But that was not in the city of Chicago's charter; it simply existed as a matter of practice.

Those are my formal comments. Our office would be

glad to assist in whatever ways that we can. This was a fascinating exercise for us, because it is substantially different from what we are accustomed to seeing in the state of Maryland.

MS. NAHIKIAN: Thank you very much, Mr. Kelliher. I think the kind of nitty-gritty detailed comments you have had have been very helpful, particularly in asking us questions. We don't know how the public reacts to what we drafted; we think we know what we meant, but having someone else look at that.

Are there other comments from other delegates?

Okay, thank you very much. We may well be back in touch with you.

If possible, I don't know if you could put your comments in writing and mail them to us later so we could have them as a part of the record; that would be very helpful.

Let me just ask for purposes of knowing what our time frame is. We have one other scheduled witness on our witness tonight, Mr. Haywood Sanders from the Brookings Institute. I would like to ask at this point if there are other persons here that did not sign up formally who would be interested in presenting comments, ideas, or testimony

to the Committee.

Okay, that gives us a sense of time frame.

I would like to call now Mr. Haywood Sanders, now at the Brookings Institute, but I also understand with the University of Illinois. And thank you for coming. We have heard lots of conversations about your work and action in regard to issues of local government, particularly neighborhoods.

STATEMENT OF HAYWOOD SANDERS,

BROOKINGS INSTITUTE

MR. SANDERS: It's my pleasure, but I have to begin with an apology: I got struck low with some kind of virus this morning, I have been running at half speed all day, so if I nod off in front of you it is not a comment on the worth of the Committee or the article.

Let me start off by, like Mr. Kelliher, restricting my comments to the article on local government, since that is the subject I am most familiar with. The materials on transition and intergovernmental relations, to the extent that I am qualified at all to review them, look straightforward and quite reasonable.

In the context of the local government article, I have some questions as well, though I would like to start out

and comment. Let me start out with a question for you, because it is the one thing that I was not comfortable with in this.

And that was your distinction between the functions of the neighborhood councils and the functions of the ward council.

MS. NAHIKIAN: I am going to ask if anyone wants to field that.

MS. MAGUIRE: Do you understand that the ward councils and the neighborhood councils are the same people?

MR. SANDERS: Yes, indeed, and that is precisely the rationale for my question, the extent to which you perceive these people acting in a different role or performing a different function when they are aggregated at the ward level.

MR. SCHRAG: Let me try one pass at that. One of the things that we conceive to be clearly the function of the neighborhood council is the current ANC function of commenting on zoning, individual zoning requests, which are very local in their nature. One of the things we conceive to be the function of the ward council is dealing with broad policies such as whether the police force in an eighth of the city should be enlarged or contracted, as

compared with enlarging or using the money to enlarge or contract the garbage collection service. And then we see some hybrid kinds of functions, including, for example, planning where the neighborhood council might be the place where the work starts but needs to be coordinated before there is input to the state so that there aren't too many, 32 or 24, different opinions circulating at the state level, but a manageable number, such as eight.

MS. EICHHORN: Also there was at one point consideration of coterminous service districts, and the ward council would encompass an area large enough to cover a larger number of service delivery areas. It might have three for trash collection and one police district and two of something else.

MR. MOORE: In addition, we put the ward councils lower in the status of negotiation whereas on the lower levels in a status of--in an advisory capacity.

So it's almost a dual set-up.

MR. SANDERS: My question about that reflects a basic concern. Let me first say that I am quite pleased to see the neighborhood council arrangement; units of this size with a population of around 5,000 look to me, much as I hate to say anything prescriptive, look to me like the perfect

way to go in this kind of environment. At the same time, I am somewhat concerned about having neighborhood councils, ward councils, and a local legislature which functions ---

MS. NAHIKIAN: It would be a state legislature.

MR. SANDERS: State legislature, if you will-- which are performing somewhat similar functions. And in fact it is my question about the differentiation between the functions of neighborhood council district members as members of a ward council and that of the legislators.

MS. MAGUIRE: The legislators legislate, okay? That is what they are elected to do. And they also serve on ward councils. That is their job, okay? The people who are elected from single-member districts in their neighborhood councils have really more of a representative function, feeding into the ward council which has the real functioning of the local government, which would monitor services, feed into the state legislature, that kind of thing.

MS. NAHIKIAN: The ward councils don't have legislative powers other than being able to hold legislators accountable.

MR. SANDERS: Let me make the following argument, which you probably will not like to hear, and which is to some extent repetitive of some of the material that I

discussed with the legislative committee a couple of weeks ago.

I deal, like Mr. Kelliher, with cities not with counties and states, and that is part of my bias here; I tend to see this entity, though we keep talking about as if it is a state, as a city. My reason for that is that I see its primary function as delivering services largely directly to individuals; states don't do a whole lot of that; they often act as intermediaries, provide grants to other units of local government, provide services to fairly specific kinds of groups. But they are not out there on the streets delivering services as a regular part of their function.

To say that the legislators in the state legislature will simply legislate is, I think, a somewhat narrow reading of what local politics is all about and how it will likely function, and I don't mean that as a personal comment.

The business of overseeing service delivery is very much one and the same with the business of examining and establishing departmental budgets, examining and establishing departmental employment and service levels, and structuring the entire system of service delivery.

My experience suggests that you are not going to get a group of legislators who will simply pass laws, and

not get involved in service delivery functions, and yet have a different entity, the ward council which without any formal powers of its own will be able to effectively oversee services. In a good many cases, when you have got local legislators elected by districts or wards, it is the power, the vote that that local legislator or councilman has over a department's budget, over a department's staffing levels, over a department's contraction or expansion, that makes his or her ability to oversee services work. It's what gives service oversight some muscle.

To establish an entity that will perform oversight without that kind of muscle is, to me, something of a contradiction in terms, and I have some genuine qualms about that. That's why I wanted to get some clearer sense of what you were trying to get at.

I would much prefer to see a legislator be able to exercise those functions as part and parcel of his business of legislating, particularly, as I suggested, in the context of their budget-making powers.

At the lowest level, the neighborhood council, I think you have got a marvellous thing going, and I hate to jump into what has clearly been a debate among yourselves about how much muscle and formal authority that kind of

entity should have.

Let me make the following suggestion, however. To the extent that you don't want to give it formal authority beyond what you have outlined here, I think what you have to do is ensure that it gets the one other device it needs to secure some kind of reasonable outcomes, and that is information. In some other cities--Cincinnati is an example that comes to mind--while a community which has a series, which has established forty-four community boards representing forty-four neighborhoods of the city, while those boards cannot formally approve or deny actions of the city, they do function, with staff assistance from city hall, to develop work programs for city departments, to suggest and review public improvement programs for the city departments, and to comment on projects that the city is planning on undertaking within their boundaries. That gives them some muscle. It gives them some muscle because to the extent that a city manager or a city council member is unwilling to listen to them, they can make a claim to other organizations in the city for some attention and concern.

I would like to see those neighborhood councils have some authority, particularly when it comes to planning issues and capital improvements issues. To the extent that

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you are unwilling or feel unable to give those councils that kind of authority, then they need the next best thing, and that is information.

And what I would suggest you must do in that kind of environment is require that the city's annual budget, both its operating and its capital budget, be made available to those councils for review and comment, be broken down by neighborhood council or neighborhood council district, if possible. And in the case of the situation you met, don't allow the problem of non-coterminous service districts or very large districts or very small districts to be a problem. Create an environment that requires the city--state--to spell out how much money is going for policemen or firemen or whatever, to the smallest geographical entity that's possible; provide a requirement that the city spell out, if it plans on repaving the street or selling off a piece of parkland or improving a police station or firehouse or school, that that budgetary information be organized by neighborhood council or district, and that that information be reviewed.

That's one way of ensuring that at least those entities will know exactly what the city is doing, and will know exactly where they stand in terms of delivery of public

goods and services. Their ability to say we don't want our fire station enlarged or, as they did in my neighborhood, demanding that it get moved back from somewhere else--that's a thornier problem, I will grant you. But at least give them the ability to know.

Now, let me make a larger argument. There is a modest political science literature, unfortunately, very modest, on how low-level organizations, in particular protest organizations, manage to succeed in dealing with government. They don't succeed by beating city bureaucrats over the head with baseball bats; they succeed by bringing public attention to bear on a problem, a particular problem, either of their group or their neighborhood. And the way they bring that attention to bear is by getting the attention of the media.

We are in a very nasty situation right now in this town, and one we have got to accept. We have now got a single newspaper, we have television and radio stations that serve a large often suburban market at the expense of the city. It is much less likely in this kind of media environment to get citizen organizations the kind of public attention they need to make their demands and situations heard. That I think is an environment absolutely requiring some kind of formal grant of authority beyond that which you have

laid out here.

Well, that's something you've got to talk about, and, as I said, I apologize, because I didn't much want to get into the middle of an internal squabble, to the extent I perceived one.

MS. NAHIKIAN: I wouldn't call it a squabble.

MR. SANDERS: Mr. Kelliher's point about planning and zoning functions in Montgomery County with the Maryland National Capitol Park and Planning Commission is an excellent one, and in fact it is not an unreasonable kind of model. It may suggest, for example, that on issues of planning or zoning or street dedication, or street demapping and the elimination of a public right of way, that if the neighborhood council disapproves, such actions have to be passed by an extraordinary majority of the larger entity, one presumes, in this case, the legislature.

MS. MAGUIRE: I don't really see why everything that you mentioned cant be worked out in the structure that is provided in this article. I think something else needs to be worked in. Maybe what Mr. Kelliher mentioned might be something that we opt for.

But, if I understand what you are saying, it seems to me, then, that the legislature will decide how service

delivery is made, that that is a part of what legislatures do, is that what you are saying?

MR. SANDERS: Again, my experience with city councils is, since they are the bodies that have the votes and they are the bodies that control the budget, they are the bodies that get listened to.

MS. MAGUIRE: Okay, so those people still have a direct line with their ward councils, with their neighborhood government, so the information is there and it is provided, okay?

Now, my question, then, under this system, if Joe Smith in Ward Council 2, trash isn't being picked up, what is his recourse? Now, the recourse that we have written in here was that he goes through his ward council to the person designated to monitor that department.

Now, do you have problems with that? You don't think that is a good system? I can't grasp exactly what the problem is.

MR. SANDERS: Let me back up for a second. I can't say it's a good system or a bad system. Part of the problem is that it is a sufficiently innovative system that it is going to be tough to predict what it is going to do in practice. Let me tell you what I perceive to be a likely

outcome.

There are now eight wards each of which has a specialist in garbage collection. The city sanitation department regularly receives complaints from each of those eight wards, and each of those eight garbage oversight specialists.

How do we ensure that they get responded to? How do we ensure that the bureaucratic routines of the city are designed so that those questions are appropriately answered. What tends to happen in legislative bodies is, where the legislative and oversight functions are combined in a single district council member, that council member is a person whom the city bureaucrat cannot afford to ignore.

My question is, given the organization of the ward councils and the fact that they have no formal authority, will they be anything other than information conduits? And my concern is that that is all they will be, that as information conduits, bureaucrats will hear from them, but they will also hear from people who pick up the telephone, and they will also hear from people who write letters, and, much as I hate to admit it, they will probably also hear from Congressmen.

MS. MAGUIRE: So what we really just need to do

is build in some insurance that the ward councils will be listened to and taken seriously. Is that right?

MR. SANDERS: That's one way to structure the system.

Given the fact that you can't mandate the kind of odd circuitous route that these things take when they are brought up by entities that don't have any real authority and don't have any real clout within the government, my concern is the ward council is just going to become another device for sending requests in to city departments, for service delivery, without a mechanism for ensuring that those requests get listened to.

MR. MOORE: May I ask a question?

MS. NAHIKIAN: Yes.

MR. MOORE: My question is--you mentioned something about the state legislature being back down here working with the ward council. Are you saying in essence that is not a good philosophy to have that lawmaker down at that level, that it is not effective because they have so much power with reference to the budget and their power to legislate--you mentioned that. Are you saying that you wouldn't recommend that this legislator be on that council?

MR. SANDERS: I think I grasp your notion, and

that is that the legislator will be privy to this kind of information through his service on the ward council. My reaction is that is a somewhat poorly linked way of getting this business together. Does that mean that service delivery problems are brought to the legislator only through that device, or does it mean that he simply gets together with the members of the ward council to talk about their joint problems and perceptions?

MR. MOORE: Making him more responsive to the needs of the local government by bringing him closer down there.

MS. STREET: Requiring him to ---

MR. SANDERS: It's a good idea to make him be there--and literally that is what you are trying to get at; one wishes one could do it, that you could insist that every legislator get nailed to the door when a neighborhood council was meeting so he would hear what is on the people's mind, but short of that it is reasonable to force him to be a member of that body.

Again, my qualm is, he or she may get that information and act on it or not act on it at whim.

MS. NAHIKIAN: I think the point is not that the legislator would be the conduit for information being transmitted to the agency, whatever the problem is, but that the

legislator--more the reason for having the legislator as a member of the neighborhood council or the ward council is to be able to institutionalize a situation which holds that person accountable, whereas the function of services would theoretically happen through the oversight kind of responsibility that the ward councils have, although we have had obviously some comments about what that means.

MR. SANDERS: I would prefer not to see a situation where the legislator is an individual distinct in his legislative functions from the oversight and service review and fairly narrow advisory function of the neighborhood council and then the ward council. To me, it creates an entity that is responsible for oversight without having any clout, that has a legislator that is at once responsible to a ward entity as well as to the larger voting public. And, well, to some extent it might be suggested that in the marvellous ways of District politics, the legislator's interest may be to create what amounts to a political machine within his district, to see to it that district council members are elected who are his friends and allied with him. We know that is going to happen. That has some useful implications and some unpleasant ones, and among the unpleasant ones are the fact that perhaps those on the outs will get

systematically ignored.

And in fact I can suggest it is quite likely that the legislator and the council members will begin to operate in that kind of way, because the legislator is the fellow with clout, and this provides a way to build a political organization, a means of reaching the voters at a fairly low level.

MS. NAHIKIAN: In fact, what you are saying is what Mr. Kelliher referred to earlier, that this was the kind of system he saw in the city of Chicago in a way, it's just that it wasn't institutionalized and wasn't in the state constitution.

MR. SANDERS: Well, you may have structured a system for institutionalizing it. Things may well be different--things are clearly different here than in Chicago. But it may well actively function that way, that in fact you have got a system much like the precinct committeemen in Chicago that act as a device for creating organization and getting out votes at a fairly low level.

MS. EICHHORN: Can I ask you about service delivery?

MS. NAHIKIAN: Jan?

MS. EICHHORN: Right now ANC Commissioners try to

provide service delivery and have mixed success, and city council members impact on service delivery.

What we were trying to do was to bring the monitoring of service delivery to the local level without giving the local unit any power to operate service delivery, which maybe isn't possible. But the method finally decided upon, since the state legislators, as you point out, and has occurred to us, have this clout through the budget process and so forth, we would impose them upon the neighborhood council to bring their clout to these other units of government.

If you had your preference, where would you say service delivery belongs? In the beginning you talked about being more into city government and seeing this as a city. Do you think that the service delivery function belongs in the state legislature, so if the citizen has a trash problem should he call his state legislator or his neighborhood council person? Where does it belong?

Or do you prefer seeing service delivery at the neighborhood level?

MR. SANDERS: They will call whomever they feel comfortable calling ---

MS. EICHHORN: That's what happens now.

MR. SANDERS: --- is the bottom line. But what you clearly want to do is load the system so they feel most comfortable calling people who can deliver something to them and ensure that they get some results.

If you were to build a legislature that had eight wards and eight legislators, or eight wards and twenty-four legislators, each of whom was elected within those--three of whom came from each of those wards--then I would suggest that, yes, you had better have a neighborhood level intermediary.

MS. EICHHORN: If you have twenty-four legislators?

MR. SANDERS: If you had eight wards, and however many councilmen you had they came from eight wards, then I would not feel comfortable with that as a mechanism for overseeing and monitoring service delivery. If you establish a council that has thirty or--legislature--that has thirty or forty or fifty members, each of whom is elected from a district, and a district perhaps with a population between ten and twenty thousand, then I think that individual can function quite reasonably in that oversight function.

MS. EICHHORN: What about twenty-four districts?

MR. SANDERS: I think that is not unreasonable--

I suspect you will see it. Let me back up for a second. Chicago works--used to work, we don't quite know what it does anymore; the Chicago system acts because the city bureaucracy responds to council members, it responds to those council members in Chicago because of the dominance of a political organization.

In some other cities that are organized by wards, where council men fulfill that same kind of oversight function, the city bureaucracy responds because those council members are important, because those council members end up in one situation or another controlling some things which are valued by them. I am not comfortable with a system that takes citizen complaints and feeds them to a city bureaucracy without any kind of political influence or clout or weight behind it.

MS. NAHIKIAN: Let me give you a flip side example, though. In a particular Advisory Neighborhood Commission area, there is an issue that has recently arisen over whether or not the ANC would endorse the city's proposal for purchase of a building for use as public housing. The Neighborhood Commission meets, debates, listens to the citizens, it was a fiery meeting, and takes action.

Before that happened, however, there was a request

that went to the ward council man, give us a letter of support, give basically the Mayor a letter of support. The ward council man said, what did the neighborhood council do? And I will not give you a letter of support until I know what the neighborhood council did. And why couldn't the flip side--whereas you are describing on the one hand that problem, on the flip side of that you could have happen what I have seen happen here in this city with ANC's where the legislators are not about to buck a neighborhood council decision. Now, given they are not a member of the body, but that's ---

MR. SANDERS: But let's differentiate a little. If I was talking to you about putting (heaven forbid) public housing on a particular site in a particular neighborhood, then I can see the council member taking that position. If Mr. Jones' garbage isn't picked up, what is the council man going to do?

MS. EICHHORN: He can ask the ANC for advice.

MR. SANDERS: The ANC is not a reasonable intermediary. Does the ANC much care about Mr. Jones' garbage? On some issues, that is precisely what is going to happen, that it is going to be the case that the neighborhood feeling is sufficiently strong or sufficiently unified,

sufficiently coherent, and when it comes to placing what we kind of call noxious public facilities--and unfortunately they range from the city dump to public housing--that is the kind of issue that, yes, in fact, that is precisely what will happen.

When we talk about much lower-level kinds of service problems, I don't see that as a reasonable kind of model.

MS. NAHIKIAN: Delegate Jordan?

MR. JORDAN: What I am looking at--it's nice to talk about proposals or projects in terms of a theoretical perspective, maybe there is some basis for talking about it from a practical sense, too, that is, to say that there has been practice in other areas.

I have had an opportunity--I have been fortunate, you might say, to work on both sides of government; I have worked in the legislative part here in the city, and now I am in the executive part in the city. My experiences tell me, number one is that there just aren't enough committee chairpersons' positions to go around for every council member; consequently, all representatives don't have the same leverage. I mean, if I listen to your example or your idea, it is predicated upon the premise that all council members

would have equal leverage with these various executive branch agencies; otherwise we would find ourselves in the situation where in one area the council member who had the responsibility for monitoring an agency would be certain to have those services provided, but in all the other areas they would go lacking.

And also I have seen a situation where the council member had control over the budget process or had an oversight responsibility, in terms of his relationship, or her relationship, with the other council members he or she may still not have the same clout--I mean, when you got a council member comes in with 300 votes--I am using that as an example, we happen to have one who is coming in with 300 votes--as I say, 3000 votes, and you have got a council member that comes in with 50,000 votes, then I think there is a difference there, too.

And, finally, I can understand the criticism. What I would like to hear is what are your alternatives, because--maybe I missed something, but I don't see the alternatives that are before us working any better; that is to say, we already have a machine; I mean, I can show you the wards with council members--in my ward, I know for a fact that the council member put up--I don't want to

speak about anybody else's ward--but I can tell you, I have been told that a ward member or one council members owns his ANC. In my ward, my council member this last time around ran ANC Commissioners in most of the single-member districts. Now, she didn't win; she lost everyone of them. But the point I am making is that regardless of what you build, you still are going to have politicians who want to maximize their influence and control in their community; consequently, they are going to do as much as they possibly can to do precisely what you say, and that is to get their friends and their supporters, their cohorts, or however you want to define them, in those positions.

So, I mean, ---

MR. SANDERS: Can I try and give you a quick answer? I think I can. But I don't want to keep you all up--if you are all willing to put up with this for another few minutes.

First, you are right, there is bound to be some difference in terms of leverage; there is no way we can get around that. My guess, however, is that with a single vote, a legislator has enough formal power to do something. It might be a power which has to be husbanded and used carefully, but it is a power to do something. And while I

hesitate to bore you, I will for just a moment with one of my Cleveland stories. I have looked for the last ten years at what the city of Cleveland has spent on local sewer projects. One year half of its money went to one project in one ward. That's very odd, I said; and I sat down with the city council member and I said: how did you manage to get half the city's sewer money for your ward that year? He said, well, you see, the mayor had this project he wanted, and I wanted to get some sewers for my ward, and when the mayor's project came to a vote I voted against it, and it turned out that the project didn't go anywhere, and the mayor needed my vote and he came to me, and he said I need some help on this; and the council man said I need some new sewers in my ward--and he got them.

And that was one council man out of thirty-three. He wasn't a chairman of anything; he wasn't a majority or minority leader of anything. And, interestingly enough, if you care about it, it happened to be a black council member at a time when the mayor was--a black Democratic council member at a time when the mayor was a white Republican. But his vote counted for something and it got that project delivered.

Now, whether he could do that every year, year in

and year out, I sincerely doubt. But I do suggest that it is a mechanism that gets some stuff done.

Now, as far as the question about a machine or not, my concern here is the fact that the ward council may be an entity that is so visible that it ends up being a potential competitor for political attention with the legislature. And that is an environment where the legislator is likely to feel compelled to control his--well, to control it as much as possible.

Now, if that is something that is a pleasant outcome, then by all means go with it.

But I do see the ward council as a potential major competitor for public attention, given the fact that it is so much larger in size, and the fact that its constituents, since it represents a much larger area, okay, it may well appeal to a broader constituency. Whether or not that happens, given its limited powers, I can't say; but I can say, as in the case of the ANC, that it is probably an entity that a legislator is likely to be concerned about in some sense.

MS. NAHIKIAN: The interesting part of what you are saying, though, is that--I think in many ways we intended for the ward council to be as visible as, and, as you

said, actually compete for public attention with the legislature, but the reason why a legislator cannot control the ward council is because there is more than one on the ward council level; you know, so there has got to be some kind of coalescing there. It's not just one person who can control that ward council.

MR. SANDERS: But my bottom line on the problem, as I perceive it--and it is simply my personal opinion--is that without much in the way of formal authority, those councils are likely to simply become information conduits, and I have some real qualms with their ability to function as oversight and monitoring entities when it comes to service delivery.

Were I to make a suggestion, it is as follows: ignore the notion of ward council, stick with the neighborhood council arrangement; to the extent that you feel comfortable with it, beef up its formal authority,and require that the city, in both its operating and capital budgets, organize them on that basis, and submit them to that entity on an annual basis for review. To the extent that you feel more comfortable with some other things, then you might well consider the matters of public improvements, capital improvements and planning and zoning functions as things which

those neighborhood councils have more formal authority on, which may in fact be overrided [sic] by the legislature under some conditions or with an extraordinary majority.

MS. NAHIKIAN: Thank you very much. Could I respectfully request that maybe you could give us some comments in writing that would go into the record, as well as maybe some suggested specific language in these areas, because I think--well, this is a personal comment, not a Committee comment--but we have had a number of witnesses who have raised the issue of the budget; one of our own members of the Committee raised the issue of the need for requiring information to be given in a certain form, knowing that maybe if it's not it gets to be so broad it doesn't mean anything.

We are not through yet obviously.

I don't know if other delegates have final comments.

MR. MOORE: I just have one question I am not clear on. Are you saying that we should abolish the neighborhood council, period, and use the present structure that we have, or don't use the legislators on that level? I am a little confused as to what you are recommending.

MR. SANDERS: I suggest you not go with the bigger

entity, the ward council, but to keep the neighborhood council.

MS. STREET: And beef it up.

MR. MOORE: What about the legislators now? Are you saying you are going to utilize them on that level, or are you going to have them retained up on the higher level, not come back down and interact on that council level?

MR. SANDERS: I am somewhat less concerned about that as a practical matter than I suspect you are. I don't think, to the extent that those entities have some authority and they are able to really act within the context of the city's politics, they are things that a legislator will not be able to ignore; to the extent that they are not able to do anything, formal membership is largely meaningless.

MR. MOORE: And in reality you say give the lower level, the neighborhood council, more power, too.

MS. NAHIKIAN: Okay, thank you. This ends the second public hearing of the Committee on Local Government, Intergovernmental Relations and Transition of the District of Columbia Constitutional Convention. We will continue with another session of public hearings on Thursday, April 15th, beginning at 6 p.m. in the same room. Thank you.

[Committee adjourned at 9:20 p.m.]